

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, APRIL 19, 2001  
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair  
Bob Workman, Vice Chair  
Larry Hudkins  
Linda Steinman  
Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer  
Dave Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk  
Ann Taylor, County Clerk's Office

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, APRIL 12, 2001**

**MOTION:** Workman moved and Heier seconded approval of the Staff Meeting minutes of Thursday, April 12, 2001. Workman, Heier and Campbell voted aye. Steinman abstained from voting. Hudkins was absent from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- A. Report on Meeting with Voorhis/Robertson Justice Services, Inc.
- B. Reappointment of Randy Goyette to the Indigent Defense Advisory Committee
- C. Pavilion Events Center
- D. Report on Events Center Meeting
- E. Report on Lower Platte South Natural Resources District (NRD) Board Meeting

**MOTION:** Steinman moved and Heier seconded approval of the additions to the agenda. Steinman, Workman, Heier and Campbell voted aye. Hudkins was absent from voting. Motion carried.

**3 LEGISLATIVE UPDATE** - Gordon Kissel, Legislative Consultant; Christine Abraham, Legal Counsel to the Nebraska Legislature's Government, Military and Veterans Affairs Committee

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A), noting the following:

- O LB 640 (renames grants and provides for a county aid program under the Juvenile Services Act) will be debated this afternoon. He said Douglas County's concerns have been worked out.
- O LB 659 (adopts the DNA Testing Act) was advanced to Select File. There is only one certified DNA testing lab in the State but the State Patrol is working towards certification of the State Lab, which should lower costs.
- O Senator Thompson is filibustering LB 598 (changes placement and treatment services provisions for juveniles) because she doesn't believe the juvenile court judges should give up authority for placements. The Governor has indicated that a number of the juvenile court judges have signed off on the bill.
- O Kissel and Commissioners Campbell and Workman met yesterday with Senator Schimek, Chair of the Legislature's Government, Military and Veterans Affairs Committee; and Christine Abraham, the committee's legal counsel, to discuss concerns regarding LB 142 (authorizes creation of municipal counties).

Christine Abraham, Legal Counsel to the Nebraska Legislature's Government, Military and Veterans Affairs Committee, distributed copies of a memorandum from Senator Schimek responding to a letter from the County Board (Exhibit B). She noted that one of the issues raised by the Board involved dissolution of a municipal county and said both entities would have to agree to the dissolution on a vote. The municipal vote and rural county vote will be tabulated separately.

Campbell said one issue of concern is how to allow a small community to opt out of the municipal county once it has joined. She said this may become more difficult with time, as there may be issues of bonded indebtedness.

Campbell said another issue of concern is the elimination of elected officials.

Abraham said the intent is to have the Planning Commission recommend which elected officials would be retained or eliminated. She said the Nebraska Association of County Officials (NACO) did not believe this was clear in the bill so amendment language has been drafted. Abraham explained that the Planning Commission will develop a plan that will be forwarded to the governing boards. If approved, it will proceed to a vote of the people. A plan may also be brought forward by petition.

Campbell said what is being proposed is the same as what happened in the community in 1973 in response to a report, *Organization and Administration of Public Services, Report to the City of Lincoln and County of Lancaster, Nebraska*, by Arthur D. Little, Inc. of San Francisco, California. She said a proposal to combine City and County government was brought forth and approved by the City Council and County Board, but the Nebraska Legislature failed to act.

Hudkins arrived at the meeting.

Campbell said the taxation issue is also a concern.

Abraham said when a municipal county is formed the tax must be uniform throughout, so rural citizens are given the ultimate veto on formation of the municipal county.

Hudkins expressed concern that the agricultural community has not been defined and said the rural majority may be commuters that utilize municipal services and favor the municipal county concept.

Abraham noted that Sanitary Improvement Districts (S.I.D.'s) have been removed from the rural vote.

In response to a question from Hudkins, Abraham said there would have to be a vote on the sales tax issue, probably on the same ballot as formation of the municipal county. She added that each group of votes will be tabulated separately.

Abraham also explained that the municipal county must approve requests by small municipalities that are not part of the municipal county to annex adjacent territory if it is shown that similar services will be provided at less cost.

The Board scheduled additional discussion on the April 24<sup>th</sup> County Board of Commissioners Meeting agenda.

- O Senator Raikes has filed an amendment to LB 366 (changes provisions relating to zoning by county boards and nonfarm buildings) to include language from LB 616 (authorizes road maintenance agreements between counties, cities and villages).

Eagan presented a draft of a letter that will be sent to Senator Raikes thanking him for his sponsorship of LB 366 and requesting that he ask Speaker of the House Kristensen to schedule the bill on the agenda (Exhibit C).

**4 INTRODUCTION OF PEGGY GENTLES, JUDICIAL ADMINISTRATOR FOR LANCASTER COUNTY COURT**

Peggy Gentles, Judicial Administrator for Lancaster County Court, appeared and briefly described her background.

The Board asked Gentles to give consideration to moving to a paperless filing system.

**5 LABOR NEGOTIATIONS** - Georgia Glass, Personnel Director; John Cripe, Classification and Pay Manager; Diane Staab and Dave Johnson, Deputy County Attorneys

**MOTION:** Heier moved and Workman seconded to enter Executive Session at 9:12 a.m. for discussion of labor negotiations. Heier, Workman, Steinman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

**MOTION:** Workman moved and Heier seconded to exit Executive Session at 10:10 a.m. Workman, Heier, Steinman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

**6 JOB DESCRIPTIONS FOR COMMUNITY MENTAL HEALTH CENTER DIRECTOR; EMERGENCY MANAGEMENT DIRECTOR; BUDGET AND FISCAL OFFICER AND CHIEF ADMINISTRATIVE OFFICER** - Georgia Glass, Personnel Director

Item dropped from the agenda.

**ACTION ITEMS**

C. Resolution Denying Renewal of Liquor License Held by DLH, Inc. d/b/a Coaches Sports Bar and Grill at 640 West Prospector Court

Dave Johnson, Deputy County Attorney, reviewed Resolution 01-25 (Exhibit D).

**MOTION:** Steinman moved and Heier seconded approval of Resolution 01-25. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

**7 JUVENILE DETENTION FACILITY UPDATE** - Chris Beardslee, Sinclair Hille & Associates Inc.

Chris Beardslee, Sinclair Hille & Associates Inc., distributed the following documents (Exhibit E):

- O Response to Request for Pricing Number 28
- O Change Order Numbers 8, 9, 10, 11 and 12
- O Proposal Request Number 022
- O Sketches ES-10, TS-1 and TS-2

Beardslee said some of the requested pricing is out of line and recommended that the changes be done on a time and material basis, not to exceed the quoted amount.

Heier asked whether the work should be bid.

Beardslee that would not be feasible.

In response to a question from Hudkins, Beardslee said Item 5 (add conduit runs and wiring from Control S1 to each gate operator) was overlooked by the mechanical and electrical engineers.

Hudkins asked whether they should share in the cost.

Beardslee replied that none of the work has to be redone as a result of it being overlooked, but said the cost is greater at this point.

Hudkins requested monitoring to ensure that the contractor stays on task.

Heier asked "where does the architect stand in this", noting a considerable amount of money has been paid for the design.

Beardslee said "we feel very good about this project and the level of accuracy." He said the goal is to complete the project as close as possible to the contract amount. Beardslee acknowledged that there have been oversights, but said some items were added for the betterment of the project and counted against the contingency funds. He said he is concerned that contingency funds may be exhausted and said it is the architect's goal to keep the overage at .5 of 1 percent.

In response to a question from Workman, Beardslee said the project is still falls within the \$100,000 contingency that was built into the General Contractor's contract. He there is approximately \$42,000 remaining from those funds and the site work allowance. Several credits are also anticipated. Beardslee noted that other items will be forthcoming that may cause the project to go over.

Hudkins said the architect needs to review plans more closely.

Campbell said she is also concerned with "how quickly we've gone through the contingency" and said "maybe we need to sit down with the Contractor".

Hudkins said the County Board should have appointed a couple of its members to serve on a Building Committee that could have provided weekly oversight of the project.

Heier said Rich Krause, Lincoln Public Schools (LPS), has informed him that fiber optic lines from LPS to the Lancaster County Juvenile Detention Center won't be in place for at least a year. He said signals could be received through a small satellite dish, but said the roof of the facility may not be high enough for placement.

The Board referred the matter to Don Killeen, County Property Manager.

The Board concurred with the recommendation to proceed with the changes on a time and material basis, with caps, and scheduled a construction change directive on the April 24<sup>th</sup> County Board of Commissioners Meeting agenda. The Board asked Beardslee to report back in 30 days on the actual costs and to provide a list of all items approved from the Contingency Fund.

**8 SHERIFF'S AIRPLANE** - Terry Wagner, Lancaster County Sheriff; Bill Jarrett, Chief Deputy Sheriff; Captain Gary Juilfs

The following documents were disseminated:

- O A letter from Sue Eckley, Workers' Compensation & Risk Management Manager, dated August 18, 2000, regarding renewal of the aviation insurance (Exhibit F)
- O Comparison of extradition costs for 1998, 1999 and 2000 (Exhibit G)
- O A letter from Terry Wagner, Lancaster County Sheriff, dated September 29, 2000, updating the County Board on the status of the aircraft and the canine program (Exhibit H)
- O An explanation of the extradition process (Exhibit I)
- O An itemization of extradition costs for 2000 (Exhibit J)

Terry Wagner, Lancaster County Sheriff, said his department's aircraft has been grounded since September 29, 2000, due to elimination of insurance coverage by the insurance carrier. He said a search for coverage resulted in only one quote, at an increased rate and with doubling of deductibles and a requirement that the pilot attend a one-week ground and flight school in Florida at a cost of \$2,500, excluding per diem.

Wagner said remaining options are to drive to pick up prisoners, fly commercially, utilize a private transport system or ask the U.S. Marshall's Service to provide transport. He said there is also a regional shuttle system that can be utilized at no cost, but the transport process is lengthy. Wagner said deputies that extradite the prisoners earn compensatory time or overtime and said use of earned compensatory time causes additional staffing shortages within the department.

Wagner explained that the County Attorney reviews all felony warrants and makes a determination of whether an individual should be extradited from another jurisdiction. He said prosecution becomes more difficult with time and some cases are dismissed for this reason. Wagner noted there is further review once the prisoner is returned. Most are released on bond and some disappear again, forfeiting their bonds.

The Board asked Eagan to check on what happens to the forfeited bonds.

Captain Gary Julfs, reviewed extradition costs (see Exhibit J) and said the only time use of the aircraft is economical is when multiple prisoners are being picked up in multiple states, which is rare.

Wagner recommended that the County sell the aircraft, that a dedicated extradition officer be hired and equipped and that extradition costs be shifted to the County Attorney's budget.

The Board asked Wagner to coordinate the sale of the aircraft with Vince Mejer, Purchasing Agent.

**9 CRISIS CENTER UPDATE** - Dean Settle, Community Mental Health Center Director; Bill Bonacker, Director of Outpatient Emergency Services; Kim Etherton, Crisis Center Director

Bill Bonacker, Director of Outpatient Emergency Services, said the issue of liability for holding individuals at the Crisis Center after commitment has been discussed in the past and it was felt that legislation was the best approach to address the issue. He said the Nebraska Legislature's Health and Human Services Committee advanced LB 479 (changes provisions for the commitment of mentally incompetent persons to the Department of Health and Human Services) to General File, but amended the bill to strike the emergency clause and to change the time frame in which the Nebraska Department of Health and Human Services (HHS) must take physical custody of individuals with commitment orders from 48 hours, as introduced, to 72 hours. Bonacker said it is doubtful that the bill will be passed, as it was not prioritized.

Kim Etherton, Crisis Center Director, reported that the Crisis Center has had 1,090 post-commitment days this fiscal year and has been at capacity 65 percent of the time. She also reported on a situation that recently occurred as a result of the bed shortage and said the situation at the Crisis Center is "out of control".

Dean Settle, Community Mental Health Center Director, noted that the Region V counties are given other sources to explore when the Crisis Center is at capacity.

Etherton added that many of these sources have been exhausted.

Heier asked whether the Crisis Center is able to take care of Lancaster County's needs.

Bonacker said "we could if we didn't have the folks from the other counties".

Heier questioned why Lancaster County continues to contract with the other counties in Region V and said "do they control our facility?"

Eagan said the interlocal agreement should be amended to give priority to Lancaster County's needs and to hold Lancaster County harmless for holding post-commitment patients.

Steinman said a lot of the State's funds come through Region V and the other counties could decide to limit the amount of funds that go to the Crisis Center.

Campbell asked the County Attorney's Office to review the law to see what Lancaster County is required to do and to review the existing agreements and funding.

Campbell also stated that the emphasis needs to remain on the State's responsibility to accept those commitments.

**MOTION:** Hudkins moved and Workman seconded to authorize the Chair; Kerry Eagan, Chief Administrative Officer; and Dean Settle, Community Mental Health Center Director, to set up a meeting with Governor Johanns; Larry Bare, Governor's Chief of Staff; Ron Ross, Nebraska Department of Health & Human Services Director; and George Hanigan, Director of Behavioral Health for the Nebraska Department of Health and Human Services, to discuss the problem. Hudkins, Workman, Heier, Steinman and Campbell voted aye. Motion carried.

Settle projected a deficit of \$177,000 due to the number of post-commitment days and over-utilization of the facility. He said he is researching Emergency Protective Custody (EPC) cost overruns for the other five Regions and this information will be presented when the deficit appropriations bill is heard on Select and Final Reading. Region VI was excluded from this research because it was allocated \$1.5 million in the deficit appropriations bill to pay for its EPC's. He noted that the Nebraska Association of Behavioral Health Organizations has authorized their lobbyist to assist with this effort.

Settle said LB 692 (provides for funding of the Nebraska Lifespan Respite Services Program under the Nebraska Health Care Funding Act) is scheduled for Final Reading next week. This bill will provide \$20 million dollars for behavioral health, substance abuse and mental health. He said he anticipates there will be funds for 5-7 new case managers at the Community Mental Health Center. This should help get individuals out of the Lincoln Regional Center and thereby alleviate the situation at the Crisis Center. Settle also reported on a proposal for a "super case coordinator" to work with the highest users of mental health services.

## **ADDITIONS TO THE AGENDA**

- A. Report on Meeting with Voorhis/Robertson Justice Services, Inc.

Heier said a report will be brought forward.

- B. Reappointment of Randy Goyette to the Indigent Defense Advisory Committee

The Board will take action on the reappointment at the April 24<sup>th</sup> County Board of Commissioners Meeting.

- C. Pavilion Events Center

Campbell said a report on the planned facility is scheduled on the April 26<sup>th</sup> Staff Meeting.

- D. Report on Events Center Meeting

Heier reported on a meeting held with representatives of the Lancaster County Agricultural Society and Mark Essman, Lincoln Convention & Visitors Bureau Director and said communication issues appear to have been worked out.

Heier also reported that a meeting was held with representatives of Abbott Field.

- E. Report on Lower Platte South Natural Resources District (NRD) Board Meeting

Workman reported that the Lower Platte South Natural Resources District (NRD) Board voted to delay a decision on the Homestead Trail for one month.

### **10 CONTRACT FOR COUNTY CLERK'S RECORDS MANAGEMENT CONSULTANT** - Gwen Thorpe, Deputy County Clerk; Dave Johnson, Deputy County Attorney

Gwen Thorpe, Deputy County Clerk, said Julie Gabel, Gabel Consulting, has provided a payment schedule with values placed on the deliverables.

Dave Johnson, Deputy County Attorney, said this is "retainage of sorts".

Thorpe said the "sticking point" is still the cap on liability and said Gabel does not want to be liable for more than the \$30,000 contract cost if she decides to terminate the contract.

Johnson said Gabel wants the cap on liability to apply regardless of the circumstances of termination.

Thorpe said she is comfortable with the payment schedule and cap on liability.

Hudkins said capping liability in this manner is a "poor business practice". He said he would prefer to increase the contract amount to augment Gabel's risk.

Campbell said Gabel will be jeopardizing her reputation if she terminates the contract.

Board consensus to proceed with the cap on liability. The Board will act on the contract at a County Board of Commissioners Meeting.

## **11 ACTION ITEMS**

- A. T-Shirts for County Participants in the 2001 Lincoln/Lancaster County American Heart Walk, May 19, 2001

**MOTION:** Hudkins moved and Workman seconded to authorize the purchase from the Wellness Fund, at a cost not to exceed \$500. Hudkins, Steinman, Heier, Workman and Campbell voted aye. Motion carried.

- B. Letter to Lincoln Airport Authority Regarding Expansion of Correctional Facility Lease (Exhibit K)

**MOTION:** Steinman moved and Heier seconded to revise the letter to include the total cost of the improvements and to authorize the Vice Chair to sign the letter. Steinman, Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

- C. Resolution Denying Renewal of Liquor License Held by DLH, Inc. d/b/a Coaches Sports Bar and Grill at 640 West Prospector Court

Item moved forward on the agenda.

## **12 CONSENT ITEMS**

- A. Administrative Leave for Dennis Banks, Lancaster County Juvenile Detention Center Director, to Attend:
  - 1. Office of Justice and Juvenile Delinquency Prevention/American Correctional Association Conference in San Diego, California, May 5-9, 2001
  - 2. Developing a Curriculum (DACUM) Profile Session in Longmont, Colorado, May 16-18, 2001

**MOTION:** Steinman moved and Heier seconded approval. Steinman, Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

### **13 ADMINISTRATIVE OFFICER REPORT**

- A. Letter from District Court Judge Bernard McGinn Regarding the District Court Receptionist

Eagan said the receptionist for the District Court resigned her position and temporary services are being utilized during the recruitment process. He noted there is also a request to post the position at Step III.

- B. County Logo

The Board approved the design (see agenda packet) and asked for color samples.

- C. Food Bank Campaign, July 9-20, 2001

Eagan said Cori Beattie, County Board Administrative Secretary, has agreed to chair the event again.

- D. "Bethany in Bloom" Parade and Festival, April 21, 2001

Board consensus to decline participation, due to the \$30 entry fee, and to indicate that this would not be an appropriate use of public funds.

### **14 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Parking Committee - Campbell

Campbell said the committee dealt with individual parking requests. She said consideration is being given to identifying employees with small bumper stickers, rather than hanging tags. Temporary tags for advisory board members are also being considered.

- B. Parks and Recreation Advisory Board - Campbell

Campbell said a policy on cellular towers in parks was passed. She said the bylaws were also amended to allow college students to serve on the advisory board.

C. Joint Budget Committee - Campbell, Steinman

Steinman said discussion focused on how the Community Services Implementation Project (C-SIP) is proceeding.

Steinman said budget books were distributed and each committee member was assigned a group to review in depth.

**15 ADJOURNMENT**

**MOTION:** Steinman moved and Heier seconded to adjourn the meeting. Steinman, Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

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Bruce Medcalf  
Lancaster County Clerk